

IN THE MATTER OF THE
THE APPLICATION OF
SHELL OIL COMPANY
FOR A ZONING RECLASSIFICATION
FROM B.L. TO B.L.-C.N.S.; SPECIAL
EXCEPTION, SPECIAL HEARING AND
VARIANCES ON PROPERTY LOCATED ON
THE SOUTHWEST SIDE STEMMERS RUN
ROAD, CORNER NORTHWEST SIDE MARLYN
AVENUE (401 STEMMERS RUN ROAD) *
15TH ELECTION DISTRICT *
5TH COUNCILMANIC DISTRICT *

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. CR-90-414-XSPHA
* Item #15, Cycle III
* 1989-1990

OPINION

A hearing was held on the Petition for Zoning Reclassification, Special Exception, Special Hearing, and Variances for the property known as 401 Stemmers Run Road located in the Fifteenth Election District of Baltimore County. This matter involves the attempt to change an existing automobile service station into a combination use auto service station and food store and the necessary elements to have that site meet the requirements of the Baltimore County Zoning Regulations (B.C.Z.R.).

Mr. Richard Beall testified as an expert architect and also gave his opinion as a planner. A site plan was submitted to the Board for its review, and various photographs of the property were also presented. The service station now exists, and the owner desires to convert from a full-serve station with service bays to a gas-and-go operation with a food store on the premises. The history of this site is that it had been an ARCO service station and, some time ago the owners had obtained permission to place a food store on the site. Mr. Beall further testified that the requirements of a C.N.S. district are met at this site. Evidence

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was presented as to the surrounding neighborhood, and the photographs admitted bore out the existence of the present station and the surrounding community. The architect indicated that the existing site would be renovated and redone to be a brighter, more modern facility. He further testified it was an oversight not to add a C.N.S. district to this B.L. zone. Mr. Beall indicated that the food store on the premises would be 1,586 square feet in area and would be equipped much as the other Shell gas-and-go food operations are in the Baltimore area. A review of the special exception parameters was undertaken by Mr. Beall, and he indicated that all of the requirements would be met, and there would be no negative effects on the community.

As to the variances requested by the Petitioner, Mr. Beall indicated that the site area would be the existing site and that no increase in the size of the site could be had due to the development which surrounds the service station. He further indicated that the entrance driveways would be sufficient to meet all the safety requirements and that the burden of building larger entrances would necessitate the reconstruction of Stemmers Run Road. The lighting on the subject site has been requested to be taller than permitted, and Mr. Beall again indicated that this lighting would be shielded and reflected to prevent an overflow onto the adjoining properties. The lighting standard which now exists on the property is 14 feet 6 inches in height. Due to the size of the site, the maximum number of serving and waiting spaces are not able to be provided. However, Mr. Beall indicated that the

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flow of traffic and the ingress and egress of automobiles would not present any substantial hazard.

The existing signs on the property would remain as far as the frames. However, the panels on the signs would be changed to reflect the new use of the site. One side of the identification sign is equal to 62 square feet. Mr. Beall further indicated that the landscaping would be done in accordance with the Baltimore County landscape requirements. The plan as submitted by Mr. Beall shows 12 parking spaces and 8 are required on that site. Testimony indicated that within a 1-mile radius of this station there are 19 other service facilities.

The Board next heard from Mr. James Kozak of the Shell Oil Company, who is the area manager for the Baltimore district. He indicated that the current station is unprofitable for its owner due to the insufficient use of the bays for automobile repair. In this area, there are 38 Shell service station facilities, 9 of which include a food store. Regarding the food store on the premises, Mr. Kozak indicated that there would be no consumption of food allowed on the premises, and he further testified that he would be willing to accept any restrictions indicating that no food could be consumed on the premises.

A change in the operating hours of the station was requested by Mr. Kozak and further requested later by Kenneth Kohler, the owner of the site. These hours would now be a 24-hour-a-day operation in order to more easily serve the surrounding community. The expense of the conversion of this site was placed at \$250,000.

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Mr. Mark Hafner, an engineer with Shell Oil Company, indicated that variances were needed for the sign setback. Should these variances not be granted, he indicated that the sign would have to be relocated on the site, and extensive electrical and construction work would be necessary to make this adjustment.

The Board next heard from Mickey Cornelius, a traffic engineer, who testified that a traffic study of the location was done and that the intersection upon which this site exists is at a service level of B, which is adequate for this location. In his opinion, the addition of a food store to this site would not in itself increase the traffic volume at this location.

Kenneth Kohler, the owner/operator of the Shell service station, has carried on business there for the past 5 years. He indicated that he has spoken to just about all of his customers, and they seem to indicate that they would welcome a conversion of this site to the one requested by the Petitioner. Mr. Kohler presented to the Board approximately 350 signatures from persons in the neighborhood, all of whom are in favor of the proposal.

At the hearing, and in favor of the proposal, were Mr. Dennis Hall, a 36-year resident of the neighborhood, and Mr. Walter Doyle, a 40-year resident of the neighborhood, both of whom had their testimony proffered and concurred that they were in favor of the proposal as placed before the Board.

It should be noted for the record that no protestants appeared at this hearing.

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ORDER

Upon review and consideration of the foregoing, 01

IT IS THEREFORE this 8th day of January, 1990 by the County Board of Appeals of Baltimore County ORDERED that the Petition for Reclassification from B.L. to B.L.-C.N.S. be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Exception for combination use auto service station and food store be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Special Hearing for conversion to gas and go and amend site plan in Case #2988 be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Variances to allow a site area of 16,236 square feet in lieu of the required 21,384 square feet; to allow a minimum site width of 112.21 feet in lieu of the required 130 feet measured along Marlyn Avenue; to allow a curb tangent length of 0 feet between the access driveway and property line on the southeast corner in lieu of the required 10 feet; to allow a curb tangent length of 0 feet between the access driveway and property line on the northwest corner in lieu of the required 10 feet; to allow an entrance of 42 feet at the northwest corner on Stemmers Run Road in lieu of the allowed 35 feet; to allow an entrance of 45 feet at the northeast corner on Stemmers Run Road in lieu of the allowed 35 feet; to allow the acute angle of intersection to vary greater than five degrees from a right angle with Stemmers Run Road for the two existing two-way traffic

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driveways on Stemmers Run Road; to allow the existing 14-foot light pole on the southeast corner of the site to remain in lieu of the required 8 feet, 2 inches; to allow 4 servicing spaces and 4 stacking spaces in lieu of required 6 servicing and 6 stacking spaces at pump island facing Stemmers Run Road; to allow 2 servicing and 2 stacking spaces in lieu of the required 6 servicing and 6 stacking spaces at pump island facing Marlyn Avenue; to allow setback of 4-1/2 feet off property line along Marlyn Avenue for illuminated identification sign in lieu of required 6 feet; to allow business signs (1 illuminated identification sign, 124 square feet and 1 non-illuminated information sign, 36.5 square feet) totaling 160.5 square feet in lieu of allowed 100 square feet be and is hereby GRANTED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Arnold G. Foreman, Acting Chairman

Lynn B. Moreland

C. William Clark

In Re: Petition for
Reclassification/Redistricting
Petition for Special Exception
Petition for Special Hearing
Petition for Variances

401 Stemmers Run Road
(SW/S Stemmers Run Road,
corner NW/S Marlyn Ave.)
Shell Oil Company, Petitioner

* BEFORE THE
* COUNTY BOARD OF
* APPEALS FOR
* BALTIMORE COUNTY
* Case No. CR-90-414-
* XSPHA

MEMORANDUM IN SUPPORT OF PETITIONS FOR RECLASSIFICATION/ REDISTRICTING, SPECIAL EXCEPTION, SPECIAL HEARING AND VARIANCES

I. Background.

This case is before the County Board of Appeals for Baltimore County on petitions for reclassification/re-districting, special exception, special hearing and variances. Shell Oil Company is the owner of the property known as 401 Stemmers Run Road located in the Essex section of Baltimore County ("Property"). Shell Oil Company, Petitioner ("Shell Oil/Petitioner") has requested the Property known as 401 Stemmers Run Road be reclassified from its present Business Local (BL) zone to a BL-CNS zone. In addition, Shell Oil has requested a special exception to allow a food store of less than 5,000 s.f. in combination with a gas and go automotive service station, a special hearing to allow the conversion of the existing full service station to a gas and go and to amend the site plan approved

66-0117 12-10-90
STEVENS AND SONS, INC.
BALTIMORE

under zoning case number 2988-RS. Finally, Petitioner has requested several variances under the Baltimore County Zoning Regulations ("BCZR").

A summary of prior cases and the map history effecting the Property may be helpful in this case. Petitioner's Property was re-classified from an "A" Residential zone to an "E" Commercial zone by the Board of Zoning Appeals of Baltimore County on January 14, 1955, Case No. 2988-RS. The Board of Appeals by the same order also granted a special permit for a gasoline service station on the Property. The BCZR, 1955 edition, Section 100.3 then re-designated "E" Commercial zones as Business Local ("BL") zones.

Next, the Baltimore County Council, on May 8, 1967 through Bill No. 40, amended Section 100.1 of the "BCZR". The amended Section 100.1(b) provided for Districts, including Commercial, Neighborhood Shopping ("CNS"). A District was not superimposed upon the zone containing the Property at that time.

On May 23, 1983, the Zoning Commissioner for Baltimore County, in Case No. 83-240-XSPHA concerning the Property as owned at that time by Arco Petroleum Products Company ("Arco"), granted Arco's petitions for special exception, variance and special hearing. Arco was granted permission to add a food store with less than 5,000 s.f. in combination with a gas and go service station on the

Property. However, Arco, for unknown reasons, did not convert the station to a gas and go with a food store. Shell Oil purchased the Property in 1985 and their proposal is similar to the previously approved food store use in combination with a gas and go.

The variances requested by Shell Oil are intended to bring the previously approved service station into compliance with the standards of the current BCZR.

II. Reclassification/Redistricting.

Petitioner is not seeking a total reclassification of the subject property. Petitioner is merely requesting the superimposition of a C.N.S. district upon this site located in a BL zone. The Property is located at the intersection of Stemmers Run Road and Marlyn Avenue in Essex and contains .732 acres of land. A Wa-Wa store is located on the opposite side of Marlyn Avenue and a medical office building is immediately adjacent to the Property. Also in the immediate vicinity are Kenwood High School and Stemmers Run Junior High School. In between the Property and Eastern Avenue, residential properties provide population support for the proposed food store conversion. The commercial Eastern Avenue corridor is just south of the Property and within the Property's neighborhood.

Under Section 230.13 of the BCZR, an automotive service station is permitted as a special exception in a BL zone subject to the provisions of Section 405. Under Section 405.2(B)(2) an automotive service station may be

permitted by special exception if the site is located on an individual site in a C.N.S. district. The definition of C.N.S. district as contained in Section 259.2 states:

"C.N.S. districts may be applied only to certain existing or proposed centers of business activity which are on land zoned BL ...; any one of which centers must be intended to: include at least one supermarket or grocery store; have less than fifteen retail stores in total; have no department store, junior department store, nor, ordinarily, variety (dime store); and serve a resident neighborhood population of approximately 10,000 persons or less..."

The Property meets the requirements of the CNS District, however, the Property presently does not have a district and thus is non-conforming under the BCZR. The superimposition of the C.N.S. district will allow the service station, previously approved by the Board of Appeals, to be a conforming use under today's law.

As stated previously, districts were added by the Baltimore County Council on May 8, 1967 through Council Bill #40. Despite the Property fulfilling the definitional requirements of a BL zone and C.N.S. district, Baltimore County, through repeated errors of omission, has failed to add districts during the comprehensive zoning map process.

The Master Plan for Baltimore County, 1989 - 2000, also supports Petitioner's position. The plan states that "neighborhood businesses should be encouraged in existing commercial areas located adjacent to residential areas." (Master plan at page 35.) The amendments to the Master Plan as approved by the Baltimore County Council include as one

of their policies to "actively encourage the redevelopment of parcels containing deteriorating businesses or buildings." (Master Plan amendments, page 15.) The addition of the food store will help revitalize Petitioner's business. It should be noted here that both the Office of Planning and Zoning and the Planning Board, are in support of the addition of the C.N.S. district to the BL zone for this Property.

Neighborhood is defined in the BCZR as "A coherent urban area generally comprising the dwellings for a residential population of approximately one thousand (1,000) to three thousand (3,000) families, and a more or less central concentration of the public facilities and business uses serving their every day or frequent needs, usually including an elementary school (or school-recreation center) and a supermarket or grocery store." This definition overlaps with the requirements of a C.N.S. district.

The Court of Appeals has stated that generally there is no objection to the creation of districts within a residential zone for grocery stores, drug stores, even gas stations for the accommodation and convenience of residents of the residential zone. See Tenninck v. Board of Zoning Appeals of Baltimore County, 205 Maryland 486, 109 A.2d 85 (1954). The court also added that a zoning authority may determine that the creation of a small retail district within a residential area is for the accommodation and convenience of its residents and so in the public interest.

McDonald v. Board of County Commissioners, 238 Maryland 549, 210 A.2d 325 (1965). Besides supporting the creation of small retail districts, the Court has noted different standards in determining reclassification of properties. Specifically, the Court of Special Appeals in Tennison v. Shomette, 38 Md. App. 1, 379 A.2d 187 (1977) stated "In considering whether the presumption has been overcome a more liberal standard is applied when the property is reclassified from one commercial subcategory to another than is applied when re-classification involves a change from one use category to another." (38 Md. App. at 5). Petitioner is not requesting a change from one use category to another. Although the property is currently being utilized, the Court has indicated that a zoning authority should not view the fact that an existing zoning classification allows the property to be used to be an absolute bar to the reclassification of the property. Rhode v. County Board of Appeals for Baltimore County, 234 Md. 259, 199 A.2d 216 (1964).

It is Petitioner's position that Baltimore County, through errors of omission, failed to superimpose a district upon the BL zone containing the subject property. In 1967, the County was aware of development trends which included the addition of mini-mart food stores to gasoline service stations. The BCZR provided for food stores by special exception. However, the County failed to include districts in areas deemed appropriate to allow for food stores in combination with gas stations. (see Rhode.) The

Court stated in Huff v. Board of Zoning Appeals, 214 Md. 48, 58, 133 A.2d 83 (1956) that the comprehensive plan should seek to accomplish, as far as possible, the most appropriate uses of land, consistent not only with public interest, but also with the safeguarding of the interests of the individual property owner.

III. Special Exception.

A food store use in combination with an existing service station in a BL-C.N.S. zoned property is permitted by special exception under Section 405.4 D(8) of the BCZR. The conversion of the full service automotive station to a gas and go service station with a food store will meet the requirements of Section 502.1 of the BCZR without any adverse effect on the health, safety or general welfare of the community. The Zoning Commissioner for Baltimore County previously approved the gas and go, food store conversion by its Order dated May 23, 1983 in case number 83-240-XSPHA. The facts to be presented at the hearing will not show that the proposed food mart use at the particular location of the Property would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 291 Md. 1, 432 A.2d, 1319 (1981). Further, the Court in Pritts stated that a special exception use is part of the comprehensive zoning plan with the presumption that it is therefore in the interest of the general welfare. (432 A.2d at 1325).

Testimony will establish that the food store use for which the special exception is requested, fulfills the requirements of Section 502.1 of the BCZR. Again, both the Office of Planning and Zoning and the Planning Board are in favor of the conversion of the full service automotive station to a gas and go in combination with a food store use of this Property.

IV. Variances.

Petitioner has requested the granting of twelve different variances for this property. This service station was approved by the Board of Appeals in 1955 and had operated for over fifteen years prior to Petitioner's purchase of the Property in 1985. Shell Oil is attempting to obtain proper zoning approval for the existing site, thus bringing the site into compliance with current standards.

Under Section 307.1, the County Board of Appeals has the power to grant variances in cases where strict compliance with the BCZR would result in practical difficulty or unreasonable hardship. Additionally, the variances may be granted if the spirit and intention of said height and area regulations may be maintained and only in such a manner as to grant relief without substantial injury to the public health, safety and general welfare.

In order to meet the lot size requirements of variance requests 1 and 2, it would be necessary to acquire additional property. The subject property is surrounded by two roadways and the adjacent properties are fully devel-

oped. The curb tangents, entrance ways and acute angles of intersection as listed in variance requests 3 through 7 were in existence when Shell purchased the property. The fourteen foot (14') light pole on the southeast corner as requested in variance request 8, has also existed since the opening of the Shell service station.

With reference to requests 9 and 10, as a practical matter, the stacking spaces required under the present BCZR would require additional property to be purchased by the Petitioner. The sign set back contained in variance request 11 would require relocation and re-wiring of the illuminated identification sign if the variance is denied.

Finally, Petitioner has requested a variance to allow business signs totally 160.5 square feet in lieu of the 100 square feet limit. The illuminated Shell Oil identification sign and non-illuminated information sign have been located on the property since Shell opened the station. Strict compliance with the BCZR would render conformity with the BCZR unnecessarily burdensome for Petitioner. Granting the twelve variances would provide substantial justice to the Petitioner and would allow for the observance of the spirit of the BCZR while maintaining the security of the public's safety and welfare. See Anderson v. Board of Appeals, Town of Chesapeake Beach, 22 Md. App. 28, 322 A.2d, 226 (1974).

The granting of the variances will also allow the Petitioner to modernize and remain competitive in today's market. The Supreme Court of Delaware in Board of Adjustments, etc. v. Kwik Check Realty, 389 A.2d 1289 (1978) discussed the ability of a 7-11 business owner to remain competitive. The Court said, "The inability to improve one's business, or to stay competitive as a result of area limitations, may be a legitimate exceptional practical difficulty that would justify the grant of a variance." (389 A.2d at 1291). The Court continued, stating that "...the Board should take into consideration the nature of the zone in which the property lies, the character of the immediate vicinity and the uses contained therein, whether, if the restriction upon the applicant's property were removed, such removal would seriously affect such neighboring property and uses; whether, if the restriction is not removed, the restriction would create unnecessary hardship or exceptional practical difficulty for the owner in relation to his efforts to make normal improvements in the character of that use of the property which is a permitted use under the use provisions of the ordinance." (389 A.2d at 1291).

Finally, the Office of Planning and Zoning and the Planning Board are in support of the entire project which includes the twelve listed variances. Accordingly, Petitioner respectfully requests that its Petitions for

Reclassification/Redistricting, Special Hearing, Special
Exception and Variances be granted.

Neil Lantz
J. Neil Lantz
Seiland and Jednorski, P. A.
25 West Chesapeake Avenue
Suite 204
Towson, Maryland 21204
321-8200

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that on this 21st day of November,
1990, a copy of the foregoing Petition was mailed, postage
prepaid, to Max Zimmerman, Deputy People's Counsel, Room
304, County Office Building, 111 W. Chesapeake Avenue,
Towson, Maryland 21204.

Neil Lantz
J. Neil Lantz

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**PETITION FOR ZONING RE-CLASSIFICATION / RE-DISTRICTING
SPECIAL EXCEPTION AND/OR VARIANCE**

TO THE COUNTY BOARD OF APPEALS OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an Business/Local (BL) zone to an BL-CNS zone, for a Special Exception, under the zone, for the reasons given in the attached statement, and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for a food store (less than 5,000 s.f.) in combination with a gas and go automotive service station, and (2a) for a Special Hearing to allow conversion of existing service station to a gas and go automotive service station with a food store and to amend site plan under Case No. 2988. A food store and to amend site plan under Case No. 2988 and (3) for the reasons given in the attached statement, a variance from the following sections of the Zoning Law and Zoning Regulations of Baltimore County:

See Attached

MAP NE 34
E. D. 15B
DATE 10-21-90
SCO 15
MOOD 15
DP 15

Property is to be posted and advertised as prescribed by The Baltimore County Code.

I, or we, agree to pay expenses of above Re-classification, Special Exception and/or Variance, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser: _____ Legal Owner(s): _____
(Type or Print Name) (Type or Print Name)
Signature _____ Signature *Michael O'Mahony*
(Type or Print Name) (Type or Print Name)
Address _____
City and State _____
Attorney for Petitioner: _____
J. Neil Lantz, Esquire
(Type or Print Name)
Signature *Neil Lantz*
25 W. Chesapeake Avenue, Ste. 204
Towson, Maryland 21204
City and State _____
Attorney's Telephone No.: 321-8200 _____
Address _____
Phone No. _____

BAC-Form 1

**#15
CR-90-414-XSPHA
REVISED PLANS**

PETITIONER'S STATEMENT AND SUPPORT OF RECLASSIFICATION

Reclassification of the property known as 401 Stemmers Run Road from B.L.-C.N.S. is warranted based upon the factors relating to the purposes of the Baltimore County Zoning Regulations and zoning maps and the following additional reasons.

Petitioners are not seeking a total reclassification of their subject property. As indicated on the Reclassification Petition, Petitioner is requesting the superimposition of a C.N.S. District upon this site. The subject property is presently zoned B.L. and Petitioner is not requesting a change of the existing zoning.

The subject property is located at the intersection of Stemmers Run Road and Marlyn Avenue in Essex, contains .372 acres of land and is presently being utilized as an automotive service station. A Wawa store is located on the opposite side of Marlyn Avenue and a medical office building is adjacent to the subject property. Further west of the site is Kenwood High School with the remaining immediate surrounding area consisting of primarily residential property providing population support. South of the property contains the predominantly commercial Eastern Avenue corridor.

The property meets the definitional requirements of Section 259.2B of the Baltimore County Zoning Regulations for a C.N.S. District. The C.N.S. District requirement of a grocery store will be satisfied by the proposed food store (less than 5,000 square feet) use in combination with a gas and go automotive service station.

Petitioner's proposal for the conversion of the existing automotive service station to a gas and go automotive service station with a convenience food store of less than five thousand (5,000) square feet will provide an additional service and convenience to Petitioner's customers and said proposed use is compatible with the character of the surrounding area.

For the reasons stated in Attachment A and this Addendum thereto and other reasons to be supplied at the Hearing, it is respectfully requested that the subject site be reclassified from B.L. to B.L.-C.N.S. and that the Special Exception, Special Hearing and Variances requested be granted.

RECEIVED
MAR 16 1990
ZONING OFFICE

#15
REVISED COPY
CR-90-414-XSPHA

ATTACHMENT A

Petitioner, Shell Oil Company requests the property known as 401 Stemmers Run Road be re-classified from the present Business Local (BL) zone to a BL-CNS zone for the following reasons:

- Petitioner's property was re-classified from "A" Residential to "E" Commercial by the Board of Zoning Appeals of Baltimore County on January 14, 1955.
- The Board of Appeals by its 1/14/55 Order also granted a special permit for a gasoline service station on the subject property.
- That the Baltimore County Zoning Regulations, 1955, Section 100.3 re-designated "E" Commercial zones as Business, Local (BL) zones.
- That Bill No. 40 was enacted by the Baltimore County Council on May 8, 1967, amending Section 100.1 of the Baltimore County Zoning Regulations. The amended Section 100.1(B) provided for Districts, including Commercial, Neighborhood Shopping (C.N.S.).
- That during subsequent comprehensive zoning map changes, a District was not added to the BL zone where the subject property is located despite the existing and approved service station.
- That Section 405.2 of the B.C.Z.R., as amended, provides for automotive service stations on individual sites as of right and by special exception. Section 405.2(b) requires various Districts, including C.N.S., as conditions for a Special Exception.
- That Section 230.13 of the B.C.Z.R., as amended, provides for an automotive service station in a BL zone subject to Section 405.
- That as a result of Baltimore County not superimposing a District on the BL zone where the subject property is located, the existing service station was caused to be non-conforming despite the 1/14/55 zoning approval for the use of the subject property as an automotive service station.
- For these reasons and additional reasons to be provided at the hearing, the last classification of the subject property was established in error.

RICHARD L. BEALL, INC. A.I.A.
ARCHITECT AND PLANNER

ZONING DESCRIPTION FOR
SHELL OIL COMPANY
SOUTHWEST CORNER OF STEMMERS RUN ROAD & MARLYN AVENUE
ESSEX AREA
15th ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND.

BEGINNING for the same on the southwest side of Stemmers Run Road at the intersection of the northwest side of Marlyn Avenue, Thence:

- South 47' 00" west 112.21 feet to an iron pipe set at the easternmost corner of that parcel of land which by deed dated May 2, 1980 and recorded among the land records of Baltimore County, Maryland in Liber 6161 at Folio 153 was granted and conveyed Leroy E. Jones and Betty Lou Jones, his wife, to Betty Lou Jones, thence leaving Marlyn Avenue and running with the northeastern line of said conveyance
 - North 42' 36" 00" West 145.39 feet to an iron pipe set, thence leaving said outline and running with southeast line of the parcel of land described in the deed firstly mentioned above,
 - North 47' 24" 00" east 110.22 feet thence,
 - South 43' 45" 00" East 139.73 feet to an iron pipe set and
 - 5.29 feet along the arc of a curve to the right having a radius of 15.00 feet and a chord bearing south 33.38' 48" east 5.26 feet to an iron pipe set on the north-east side of Marlyn Avenue, to the place of beginning, containing 16,236 square feet of land, more or less, or 0.372 acres of land, more or less.
- BEING known as No. 401 Stemmers Run Road, Essex, Maryland.

November 22, 1989

360 JONES STATION ROAD, ARNOLD, MARYLAND 21012 (301) 544-2010

ATTACHMENT B

- Variance from Section 405.4 (A.1 and D.8) to allow a site area of 16,236 s.f. in lieu of the required 21,384 s.f.
- Variance from Section 405.4 A(1) to allow a minimum site width of 112.21 feet in lieu of the required 130 feet measured along Marlyn Avenue.
- Variance from Section 405.4 A(3) (a) to allow a curb tangent length of 0 feet between the access driveway and property line on the southeast corner in lieu of the required 10 feet.
- Variance from Section 405.4 A(3) (a) to allow a curb tangent length of 0 feet between the access driveway and property line on the north-west corner in lieu of the required 10 feet.
- Variance from Section 405.4 A(3) (b) to allow an entrance of 42 feet at the northwest corner on Stemmers Run Road in lieu of the required 35 feet.
- Variance from Section 405.4 A(3) (b) to allow an entrance of 45 feet at the northeast corner on Stemmers Run Road in lieu of the required 35 feet.
- Variance from Section 405.4 A(3) (b) to allow the acute angle of intersection to vary greater than five degrees from a right angle with Stemmers Run Road for the two existing two-way traffic driveways on Stemmers Run Road.
- Variance from Section 405.4 B(5) to allow the existing 14 foot light pole on the southeast corner of the site to remain in lieu of the required 8 foot 2 inches.
- Variance from Section 405.4 A(4) (b) to allow 4 servicing spaces and 4 stacking spaces in lieu of required 6 servicing and 6 stacking spaces at pump island facing Stemmers Run Road.
- Variance from Section 405.4 A(4) (b) to allow 2 servicing and 2 stacking spaces in lieu of required 6 servicing and 6 stacking spaces at pump island facing Marlyn Avenue.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
N: 3948

Date

11/21/90

M9100449

PUBLIC HEARING FEES	QTY	PRICE
080 -POSTING SIGNS / ADVERTISING	1 X	\$670.15
TOTAL:		\$670.15

LAST NAME OF OWNER: SHELL OIL CO

04404808&MICHC
EA C009147A11-27-90 \$670.15
Baltimore County

Cashier Validation:

Please make checks payable to:

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

receipt
N: 1537

Date

3/01/90

H9000284

PUBLIC HEARINGS FEES	QTY	PRICE
020 -ZONING VARIANCE (OTHER)	1	
040 -SPECIAL HEARING (OTHER)	1	
050 -SPECIAL EXCEPTION	1	
060 -RECLASSIFICATION	1	
070 -SUM OF ABOVE FEES (MAXIMUM)		\$450.00
TOTAL:		\$450.00

LAST NAME OF OWNER: SHELL OIL CO

Please make checks payable to: Baltimore County
B 145*****45000* 30267

Cashier Validation:

RE: PETITION FOR RECLASSIFICATION
FROM B.L. TO B.L.-C.N.S. ZONE
SW/S Stemmers Run Rd., Corner
NW/S Marilyn Avenue
(401 Stemmers Run Rd.)
15th Election District
5th Councilmanic District

SHELL OIL COMPANY, Petitioner
Petitioner

BEFORE THE COUNTY
BOARD OF APPEALS
OF BALTIMORE COUNTY
No. CR-90-414-XSPHA
Item 15, Cycle III

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Phyllis Cole Friedman
Phyllis Cole Friedman
People's Counsel for Baltimore County

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel
Room 304, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204
(301) 887-2188

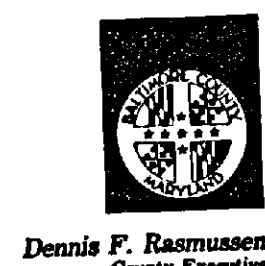
I HEREBY CERTIFY that on this 26th day of April, 1990, a copy of the foregoing Entry of Appearance was mailed to J. Neil Lanzi, Esquire, 25 W. Chesapeake Ave., Suite 204, Towson, MD 21204, Attorney for Petitioner.

Peter Max Zimmerman
Peter Max Zimmerman

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

November 26, 1990



Dennis F. Rasmussen
County Executive

RE: Item No. 15
Case No. R90-414-XSPHA
Petitioner: Shell Oil Company
Reclassification
Petition

Dear Mr. Lanzi:
This reclassification petition has been timely filed with the Board of Appeals for a public hearing within the October-April reclassification cycle (Cycle V). It has been reviewed by the zoning office as to form and content and has also been reviewed by the Zoning Plans Advisory Committee. The review and enclosed comments from the Committee are intended to provide you and the Board of Appeals with an insight as to the possible conflicts or problems that could arise from the requested reclassification or uses and improvements that may be specified as part of the request. They are not intended to indicate the appropriateness of the zoning action requested.

If it has been suggested that the petition forms, descriptions, briefs, and/or the site plans be amended so as to reflect better compliance with the zoning regulations and/or commenting agencies' standards and policies, you are requested to review these comments, make your own judgment as to their accuracy and submit the necessary amendments to this office on or before October 26, 1990. In the event that any requested amendments are not received prior to this date, the petition will be advertised as originally submitted.

In view of the fact that the submitted site plan does not indicate a proposed use at this time, the comments from this Committee are general in nature. If the request is granted and an additional hearing is required at a later date, more detailed comments will be submitted at that time.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 8-20-92 ACCOUNT R-001-4150
AMOUNT 77.00

RECEIVED FROM Abrams, West Steam P.C.
FOR Reproduction of CR-90-414-XSPHA

PAID TO Reproduction of CR-90-414-XSPHA
BY Reproduction of CR-90-414-XSPHA

DATE 8-20-92 AMOUNT 77.00

VALIDATION OR SIGNATURE OF CASHIER
HCS:b
Enc.

Enclosed please find our firm check in the amount of \$77.00 to cover the costs of reproduction of the above-referenced file in response to a Documents Subpoena which I served upon P. David Fields, Director of Planning and Zoning. Thank you for your assistance. Please contact Ms. Gwen Stevens of your office should there be any question as to how this check should be credited.

Sincerely,
Harry C. Stevens
Harry C. Stevens

RECEIVED

AUG 19 1992

ZONING OFFICE

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 11/19/90
Posted for Reclassification
Petitioner Shell Oil Company
Location of property SW/S Stemmers Run Rd., Cor. SW/S Marilyn Ave.
SW/S Stemmers Run Rd.
Location of Signs Along SW/S Stemmers Run Rd. & Marilyn Ave.
Approx. 20' from SW/S Stemmers Run Rd. & Marilyn Ave.
Remarks As per zoning map. Date of return 11/19/90
Number of Signs 4

Page 2

If you have any questions concerning the enclosed comments, please feel free to contact the Zoning Office at 887-3391 or the commenting agency.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Michael O'Mahony
Shell Oil Company
15200 Shady Grove Road, Suite 401
Rockville, MD 20850

113.16

THE AVENUE NEWS

CERTIFICATE OF PUBLICATION

Office of

THIS IS TO CERTIFY, that the annexed advertisement of Shell Oil Company in the matter of Exception & Special Hearing, Case # 90-414-XSPHA, Reg # H44205, P.O. # 018842, 315 lines @ .55 or \$173.25

November 1, 1990

142 Eastern Blvd.
Baltimore, Md. 21221

SALES & LEGAL NOTICES

NOTICE TO APPOINTMENT

NOTICE TO CREDITORS

NOTICE TO UNKNOWN HEIRS

TO ALL PERSONS INTERESTED IN THE ESTATE OF ESTELLE E. MCKEON

NOTICE TO APPOINTMENT

NOTICE TO CREDITORS

SMALL ESTATE NOTICE

TO ALL PERSONS INTERESTED IN THE ESTATE OF CLAYTON WICKERS

NOTICE TO APPOINTMENT

NOTICE TO CREDITORS

SMALL ESTATE NOTICE

TO ALL PERSONS INTERESTED IN THE ESTATE OF CLAYTON WICKERS

NOTICE TO APPOINTMENT

NOTICE TO CREDITORS

SMALL ESTATE NOTICE

TO ALL PERSONS INTERESTED IN THE ESTATE OF CLAYTON WICKERS

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

11-20-90



Dennis F. Rasmussen
County Executive

Shell Oil Company
15200 Shady Grove Road, Suite 401
Rockville, Maryland 20850

ATTN: MICHAEL O'MAHONY

Re: Petitions for Zoning Re-classification, Special Exception, Special Hearing & Variance
CASE NUMBER: CR-90-414-XSPHA
SW/S Stemmers Run Road, Corner NW/S Marilyn Avenue
401 Stemmers Run Road
Legal owner(s): Shell Oil Company
Hearing Scheduled: TUESDAY, NOVEMBER 27, 1990 at 10:00 a.m.

Dear Petitioner(s):

This is to advise you that \$ 670.15 is due for advertising and posting of the above property. This fee must be paid before an order is issued.

THIS FEE MUST BE PAID AND THE RECLASSIFICATION SIGN AND POST RETURNED TO THE BALTIMORE COUNTY ZONING OFFICE ON THE DAY OF THE BOARD OF APPEALS' HEARING OR THE ORDER WILL NOT BE ISSUED.

Please make your check payable to "Baltimore County, Maryland" and remit it to Mr. G. Stephens, Zoning Office, Room 113, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

cc: File
J. Neil Lanzi, Esq.

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner



Dennis F. Rasmussen
County Executive

Your petition has been received and accepted for filing this 1st day of March, 1990.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Shell Oil Company
Petitioner's Attorney: J. Neil Lanzi

Baltimore County
Fire Department
700 East Joppa Road, Suite 901
Towson, Maryland 21204-5500
(301) 887-4500

Paul H. Reincke
Chief

April 25, 1990



Dennis F. Rasmussen
County Executive

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: SHELL OIL COMPANY
Location: 4401 STEMMERS RUN ROAD
Item No.: 15 Zoning Agenda: APRIL 1990 - OCTOBER 1990
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *Carl H. Kelly* Noted and Approved: *Captain W.F. Bush*
Planning Group Fire Prevention Bureau
Special Inspection Division

BALTIMORE COUNTY, MARYLAND
interoffice correspondence

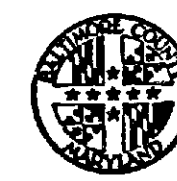
TO: ZONING ADVISORY COMMITTEE DATE: MAY 14, 1990
FROM: ROBERT W. BOWLING, P.E.
RE: Reclassification and Redistricting Petitions
Cycle III April 1990 - October 1990

We have reviewed the subject Cycle Zoning Items and we have no comments for Item 1, 2, 3, 7, 8, 10, 11, 12, 13, 15, and 16.

For Items 4, 5, 6, 9 and 14, the previous County Review Group Comments still apply.

Robert W. Bowling
ROBERT W. BOWLING, P.E., CHIEF
Developers Engineering Division

RWB:s



Baltimore County, Maryland

PEOPLE'S COUNSEL
ROOM 304, COUNTY OFFICE BUILDING
111 WEST CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
887-2188

PHYLLIS COLE FRIEDMAN
People's Counsel

PETER MAX ZIMMERMAN
Deputy People's Counsel

October 10, 1990

The Honorable
William T. Hackett, Chairman
County Board of Appeals
Room 315, County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

RE: Shell Oil Company, Petitioner
Case No. CR-90-414-XSPHA

Dear Chairman Hackett:

Upon review of this petition, this office concurs that, within the B.L. zoning classification, the request for a C.N.S. district is appropriate.

As to the special exception and variance, our tentative position is not to oppose them, so long as the conditions suggested by the Planning Office are established in the order of the Board.

Under these circumstances, it is our present intent not to participate further at the hearing of this case scheduled for November 27th. Naturally, the Board must also be satisfied with the appropriateness of the redistricting and the special exception and variance in order for them to be granted. If our position changes, we will inform you promptly. In this connection, we also submit for your file the report by the Baltimore County Planning Board on this issue dated July 31, 1990.

Please note that our position here is similar to the position taken in the Estate of Sol Goldman, Case No. CR-90-403-XSPH and Mobil Oil Corporation, Case No. CR-90-408-XSPH.

Very truly yours,

Peter Max Zimmerman
Peter Max Zimmerman
Deputy People's Counsel

Enclosure

cc: J. Neil Lanzl, Esquire
Pat Keller, Planning

PMZ:sh

RECEIVED
COUNTY BOARD OF APPEALS
30 OCT 10 AM 9 20

Report by the
Baltimore County Planning Board
to the
Baltimore County Board of Appeals

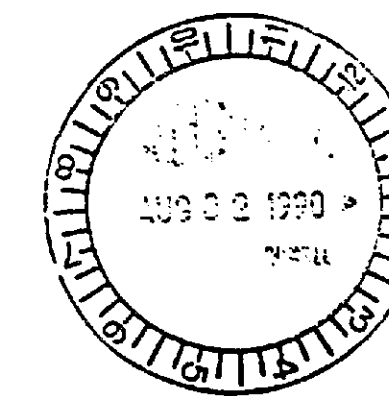
ZONING RECLASSIFICATION PETITIONS

Cycle III, 1990

July 31, 1990



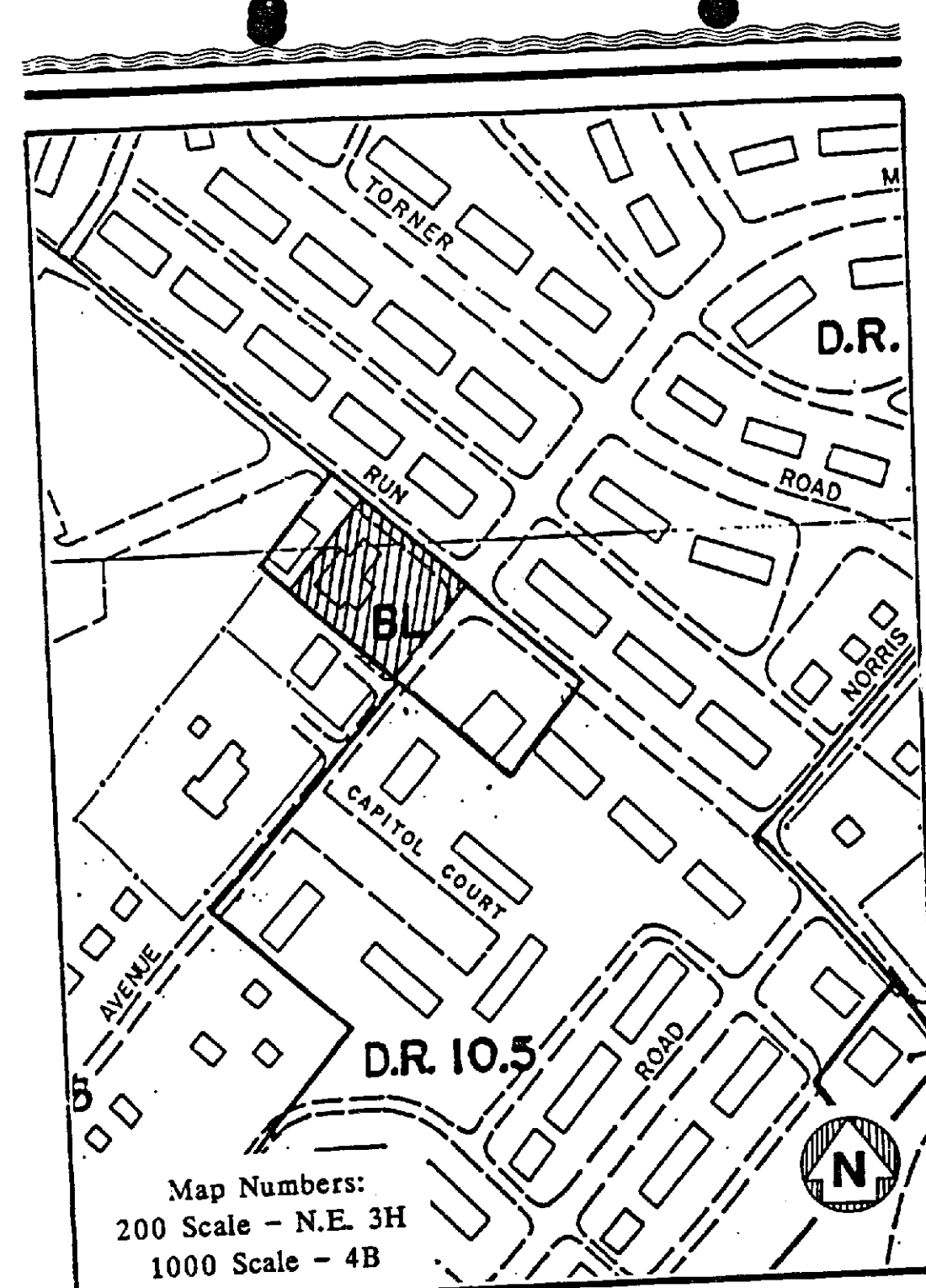
Dennis F. Rasmussen
County Executive



ITEM NO. and PETITIONER	LOCATION	ACREAGE	EXISTING ZONING	PROPOSED ZONING	CR- RECOMMENDATION	PLANNING BOARD
ITEM NO. 8 Tall Oil Services R-90-407; 10/17/90	NE/S Reisterstown Road, 440' SE of the centerline of Mt. Wilson Lane Extended	2.608	D.R. 3.5	B.L.	D.R. 3.5	D.R. 3.5
ITEM NO. 9 Mobil Oil Corporation CR-90-408 XSPH; 10/23/90	SE/S Reisterstown Rd, 960'±, SW of I-695 centerline (#1708 Reisterstown Rd)	.643±	B.L.	B.L.-C.N.S.	B.L.-C.N.S.	B.L.-C.N.S.
ITEM NO. 10 Claridge Towers Company CR-90-409 SPHA; 10/24/90	E/S Ballona Lane, 74'±, N. of centerline Ballona Av (#8415 Ballona Lane)	4.944	D.R. 16	O-1	D.R. 16	D.R. 16
ITEM NO. 11 Calvin S. Dolores Unified R-90-410; 10/31/90 John L. Linsinger	SE/S MD, PA Railroad, 340'±, SW of the centerline of Glen Ave Road	2.490	R.C. 5	B.L.-C.R.	R.C. 5	R.C. 5
ITEM NO. 12 Ruth C. Stephens, Personal Representative in the Estate of Ruth Chattaroon R-90-411; 11/7/90	NE/S Swanton Road, 205'±, SE of centerline Belair Road	0.24	R.C. 5	B.L.	R.C. 5	R.C. 5
ITEM NO. 13 Belair Road White Marsh Joint Venture R-90-412; 11/13/90	N/S White Marsh Blvd (Proposed), 945' E. of centerline Belair Road; also 220' E. of centerline of Surquashana Transmission Company Powerline	3.288± (2.848 acres)	D.R. 3.5	B.R.	B.R.	B.R.
ITEM NO. 14 Perry Hall Mini Storage & Company R-90-413; 11/14/90	SW/S Rossville Blvd, 827'± N. of Perry Hall Blvd (#7750 Rossville Boulevard)	.672±	D.R. 5.5	M.L.-I.M.	D.R. 5.5	D.R. 5.5
ITEM NO. 15 Shell Oil Company CR-90-414 XSPHA; 11/27/90	SW/S Stemmers Run Road, cor. NW/S Marlyn Avenue (#401 Stemmers Run Road)	0.372	B.L.	B.L.-C.N.S.	B.L.-C.N.S.	B.L.-C.N.S.
ITEM NO. 16 Charles Ashley R-90-415; 11/28/90	NE/S North Point Blvd, between City Line and Rolling Mill Road (#6800 Rolling Mill Road)	.3±	M.H.-I.M.	B.R.-I.M.	M.H.-I.M.	M.H.-I.M.

CYCLOM/TATGOL
7/31/90

8



ITEM NUMBER 15
Location of Property Under Petition

Scale: 1"=200'

Shell Oil Company
Case No. R90-414-XSPHA, Cycle III, Item 15
Page 2

AREA OF SITE

.372 acre

ZONING OF ADJACENT PROPERTY/USE

North - D.R.10.5, Residential Townhomes
South - D.R.5.5, Residential (single-family detached dwelling)
East - B.L., Commercial
West - B.L. and D.R.5.5, Commercial

SITE DESCRIPTION

The location is generally flat from the Stemmers Run Road frontage to the rear property line. The site is improved with an existing service station.

PROPERTIES IN THE VICINITY

The property is bounded to the north and south by residential property and commercial properties are located to the east and west.

WATER AND SEWERAGE

The parcel is served by public water and sewer. The area is designated as W-1, S-1 (existing service area) according to the Master Water and Sewer Plan.

TRAFFIC AND ROADS

Ingress and egress is available from both Stemmers Run Road and Marlyn Avenue. Stemmers Run Road and Marlyn Avenue are classified as minor arterials.

ZONING HISTORY

The zoning of the property (B.L.) has not changed since 1976.

MASTER PLAN/COMMUNITY PLANS

In the Baltimore County Master Plan, the area is designated "low density urban residential," with some surrounding commercial (B.L.) zoning. The Master Plan further emphasizes the need for better standards for buffering, landscape design, and site design for in-fill development (p. 68) with documented plans being required to introduce the idea of "more flexible, yet more responsible" performance standards for land use and development control.

Shell Oil Company
Case No. R90-414-XSPHA, Cycle III, Item 15
Page 3

PROPOSED VS. EXISTING ZONING

Regulations governing the B.L. zone may be found in Section 230.1 of the Baltimore County Zoning Regulations. Section 259.2.B outlines the provisions of the C.N.S. district. Automotive service stations are permitted by Special Exception in a B.L. zone subject to the provisions of Section 405 of the B.C.Z.R. Section 405.2 outlines the district locations in which automotive-service stations are permitted. Without the appropriate district application, a site in a B.L. zone cannot be improved with an automotive-service station. Section 405.8 addresses B.L. zoned service stations that existed prior to December 31, 1967. These uses may be expanded or reconstructed for any ancillary use listed in paragraph 405.4.C of the B.C.Z.R. However, Section 506.4.C does not permit a food store in conjunction with an automotive-service station. Therefore, a district application is required on a B.L. zoned site prior to any permitted conversion under Section 405.4.D.8.

OFFICE OF PLANNING AND ZONING SUMMARY AND RECOMMENDATION

The Petitioner has submitted a documented site plan indicating that an existing 1,596 sq. ft. building will be converted to provide for a food store. The existing pump islands and canopy will remain on site.

Based upon an analysis of the property and the documented site plan, staff recommends that the Petitioner's request be granted.

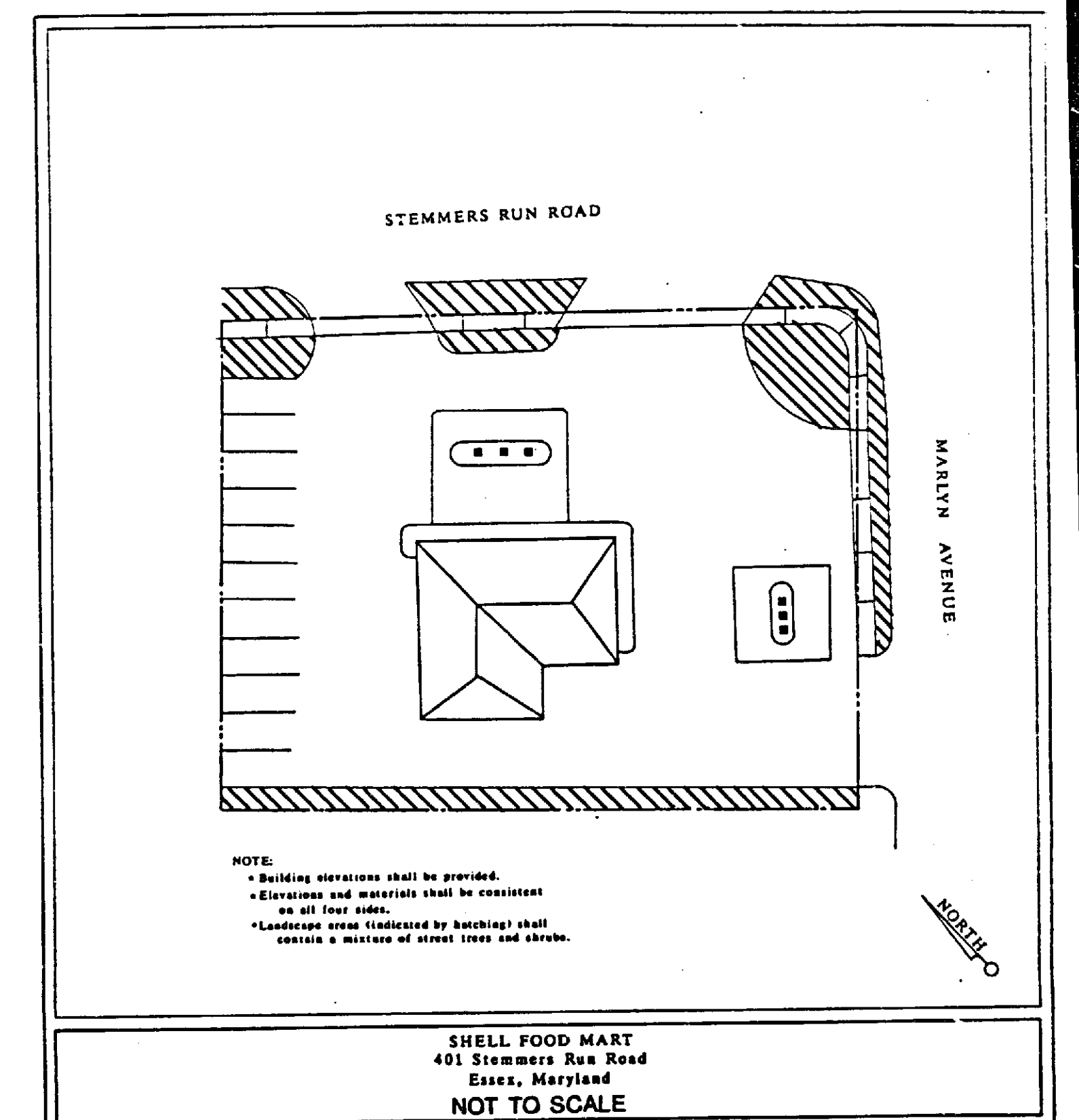
DOCUMENTED SITE PLAN

The documented site plan includes a site layout, an architectural plan, and architectural elevations. The plan indicating the site layout reveals an existing 1,596 sq. ft., one-story building is to remain on property after it is converted to a food mart. The landscape aspect of the plan indicates existing and proposed planted treatment of the property. To provide an adequate buffer to adjacent properties, an increase in the amount of landscaping is required. The architectural plan includes a floor plan and demolition (interior only) plan. The architectural elevations include north, west and east elevation drawings of the existing building.

Staff has attached an overlay of the property to address concerns regarding the site.

Should the Petitioner's request be granted, staff recommends the following conditions be attached:

- Any lighting fixtures used for illumination and security purposes should be arranged to reflect the light away from adjacent residential properties and public streets.



SHELL OIL COMPANY
409 Stemmers Run Road
M-90-28

Revised C.R.G. Waiver Plan Comments
Plan Date: 11/27/90
Comments Date: 1/18/91

A copy of the Order in Reclassification Case #CR-90-414-XSPHA was received by the Zoning Office on 1/14/91. This copy was provided by the developer's attorney and has been incorporated into Waiver File #W-90-28. The original Order and plans have not yet been received from the Board of Appeals. Zoning gives C.R.G. approval for this plan (dated November 27, 1990) subject to the understanding that prior to final zoning approvals, an up-to-date zoning history be provided on all plans submitted for building permit application. This history must comply with the following comment:

Provide a zoning history by case number on the plan including the date of the last Order, what was requested, granted or denied and listing and indicating compliance with any restrictions including, but not necessarily limited to, case numbers CR-90-414-XSPHA.

Commercial (blue) checklist information is required for building permit application plans. Be certain that compliance with all requirements of the petition requests and reclassification, special exception, special hearing, and variance Order (#CR-90-414) is clearly documented on the plans.

John L. Lewis
JOHN L. LEWIS
PLANNER II

JLL:scj

cc: Current Planning
Zoning File #CR-90-414-XSPHA
Waiver File

ABRAMS, WEST & STORM, P.C.
ATTORNEYS AT LAW
SUITE 760N
4550 MONTGOMERY AVENUE
BETHESDA, MARYLAND 20814-3304
(301) 951-1550
FACSIMILE
(301) 951-1543

July 2, 1992

Mr. P. David Fields, Director
Office of Planning & Zoning
401 Bosley Avenue
Towson, MD 21204

Re: Koehler Enterprises, Inc. v. Shell Oil Company

Dear Mr. Fields:

Attached is a Subpoena for records related to a request for variance, special exception and rezoning filed on behalf of Shell Oil Company. The subpoena requires that the records be made available at your office for inspection and copying. If you prefer, however, copies may be mailed to me at the above address. We will, of course, pay for the cost of any photocopying, postage, etc.

I would appreciate it if you would call me upon receipt of this letter and subpoena to discuss the manner in which production may be made with the least amount of inconvenience to you.

Sincerely,

Harry C. Storm
Harry C. Storm

HCS:b

Encl.

RECEIVED

JUL 14 1992

OFFICE OF
PLANNING & ZONING

United States District Court

DISTRICT OF MARYLAND

KOEHLER ENTERPRISES, INC.
v.
SHELL OIL COMPANY

SUBPOENA IN A CIVIL CASE

CASE NUMBER R-92-727

TO: Baltimore County Office of Planning & Zoning
401 Bosley Avenue
Towson, MD 21204

FROM: P. David Fields, Director
Office of Planning & Zoning
401 Bosley Avenue
Towson, MD 21204

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☐ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See Attachment A

PLACE Office of Planning & Zoning 401 Bosley Avenue Towson, MD 21204

DATE AND TIME July 29, 1992 @ 9:00 a.m.

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b) (6).

ISSUING OFFICER SIGNATURE AND TITLE INDICATED BY NUMBER 1 FOR PLAINTIFF OR DEFENDANT

ISSUING OFFICER NAME, ADDRESS AND PHONE NUMBER
Harry C. Storm, Esq., 4550 Montgomery Avenue #760N, Bethesda, MD 20814
Ref No. 00816

Use these 45, Federal Rules of Civil Procedure, 17(b) (2) (i) on Plaintiff



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
111 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
(301) 887-3180

January 8, 1991

J. Neil Lanzi, Esquire
25 W. Chesapeake Avenue
Suite 204
Towson, MD 21204

RE: Case No. CR-90-414-XSPHA
Shell Oil Company

Dear Mr. Lanzi:

Enclosed please find a copy of the final Opinion and Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

Enclosure

cc: Michael O'Mahony, Shell Oil Company
Mr. James Earl Kraft
P. David Fields
Pat Keller
J. Robert Haines
Ann M. Nastarowicz
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, County Attorney

DOCUMENTS TO BE PRODUCED FOR INSPECTION AND COPYING

Definitions and Instructions

A. "Document" means any written records or graphic matter no matter how produced, stored or reproduced, and shall include without limitation, any letter, memorandum, work sheet, record, study, report, handwritten note, working paper, chart, tape, manual procedure, envelope, telegram, cable, telex message, journal, diary, agreement, list, comparison, questionnaire, survey, chart, pamphlet, circular, bulletin, instruction manual, minutes or transcription or notation of meeting, telephone conversation or other communication of any type, photograph, microfilm, phonograph, tape or other recording, punch card, magnetic tape, disc, data cell, drum, printout, other data compilation from which information can be obtained, and any other document as defined under Rule 34 of the Federal Rules of Procedure. Document shall also include every copy of such writing or record where such copy contains any commentary or notations whatsoever that do not appear on the original.

B. "Any" and "all" includes each and every.

C. "Relating to" means directly or indirectly mentioning, describing, referring or pertaining to, including in any way, being connected with, reflecting upon, or embodying a stated subject matter.

D. Each category of documents specified herein shall be construed independently and not be reference to any other category of documents.

E. If you believe that any of the following requests for production of documents calls for assertion of a claim of privilege, produce so much of the document(s) as is not objected to, state that part of each request as to which you raise objection and set forth the basis for your claim of privilege with respect to such information as you refuse to give and for each document as to which you claim privilege, state: (1) the date thereof; (2) the type of document; (3) the subject matter of the document; (4) the name of the person who prepared the document; (5) if different, the name of the person who signed the document; (6) the name of the person who received the document; (7) any other recipients thereof.

SEILAND AND JEDNORSKI, P.A.

ATTORNEYS AT LAW

SUITE 204
25 WEST CHESAPEAKE AVENUE
POST OFFICE BOX 5404
TOWSON, MARYLAND 21204
(301) 321-8200

JOHN O. SEILAND
OF COUNSEL

March 16, 1990

Carl Richards, Zoning Coordinator
Office of Planning and Zoning
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Petition for Zoning Reclassification
Special Exception and Variance
401 Stemmers Run Road, Shell Service Station

Dear Mr. Richards:

Enclosed herein please find an Addendum to Attachment A filed on March 1, 1990 in support of Petitioner's Reclassification Petition. I have enclosed an original and three copies for your office and an additional copy will be hand delivered to the Board of Appeals Office.

Thank you very much for your cooperation.

Very truly yours,

J. Neil Lanzi
J. Neil Lanzi

JNL:ab
Enclosure

RECEIVED
MAR 16 1990
ZONING OFFICE

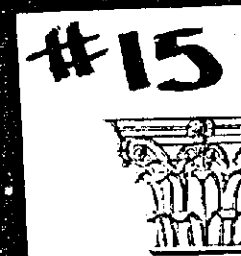
F. If, for reasons other than a claim of privilege, you refuse to produce documents described herein, please state the grounds upon which the refusal is based, whether there are documents in existence responsive to the document request, and a description of the document.

H. If any information called for by these document specifications is not available or accessible in the full detail requested, such specifications shall be deemed to call for sufficient explanation of the reasons therefore, as well as for the best information available or accessible, set forth in as detailed a manner as possible.

I. If any document described herein was, but no longer is, within your possession, custody or control, please state in detail: (a) a summary of the contents of the document; (b) what disposition was made of it; (c) the date of such disposition; (d) whether the original or a copy thereof is within the possession, custody or control of any other person; and, (e) if the answer to (d) is affirmative, identify that person.

DOCUMENTS TO BE PRODUCED

1. All documents, plans, files, permits and transcripts relating to a request by Shell Oil Company to obtain a zoning reclassification, special exception, special hearing and variances for the property known as 401 Stemmers Run, Essex, Baltimore County, Maryland, Case No. 90-414-XSPHA.



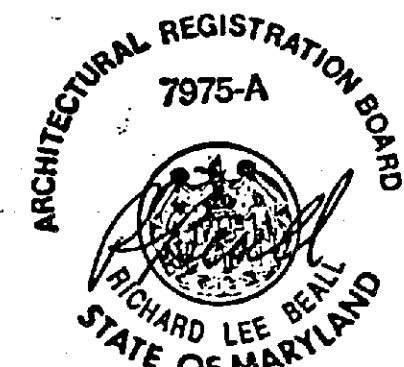
#15 CR-90-414XSPHA

RICHARD L. BEALL, INC., A.I.A.
ARCHITECT AND PLANNER

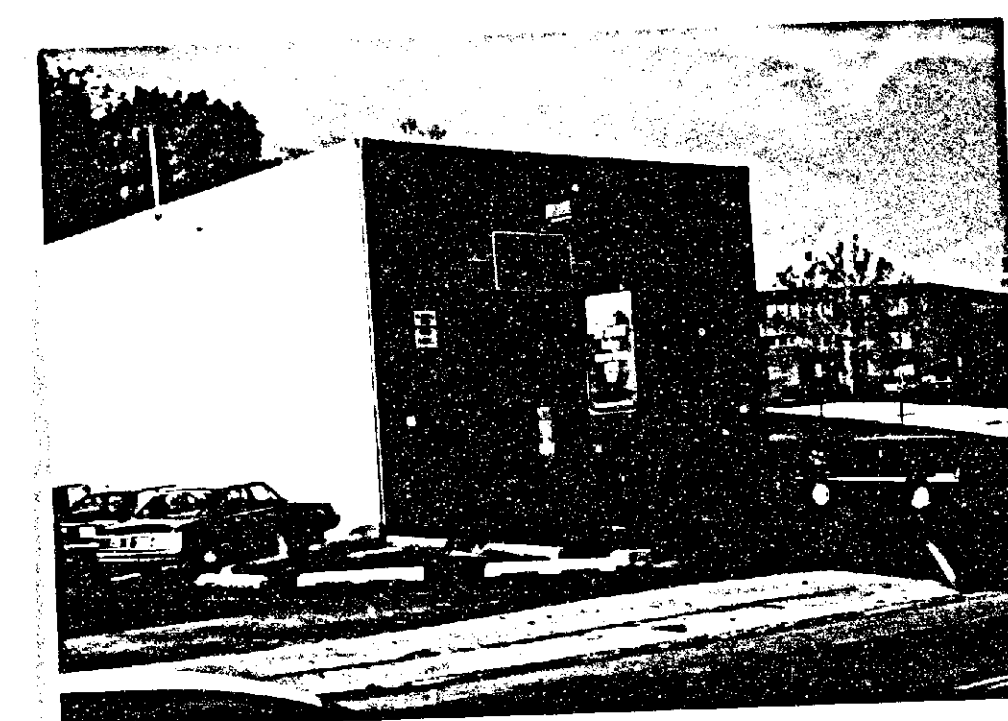
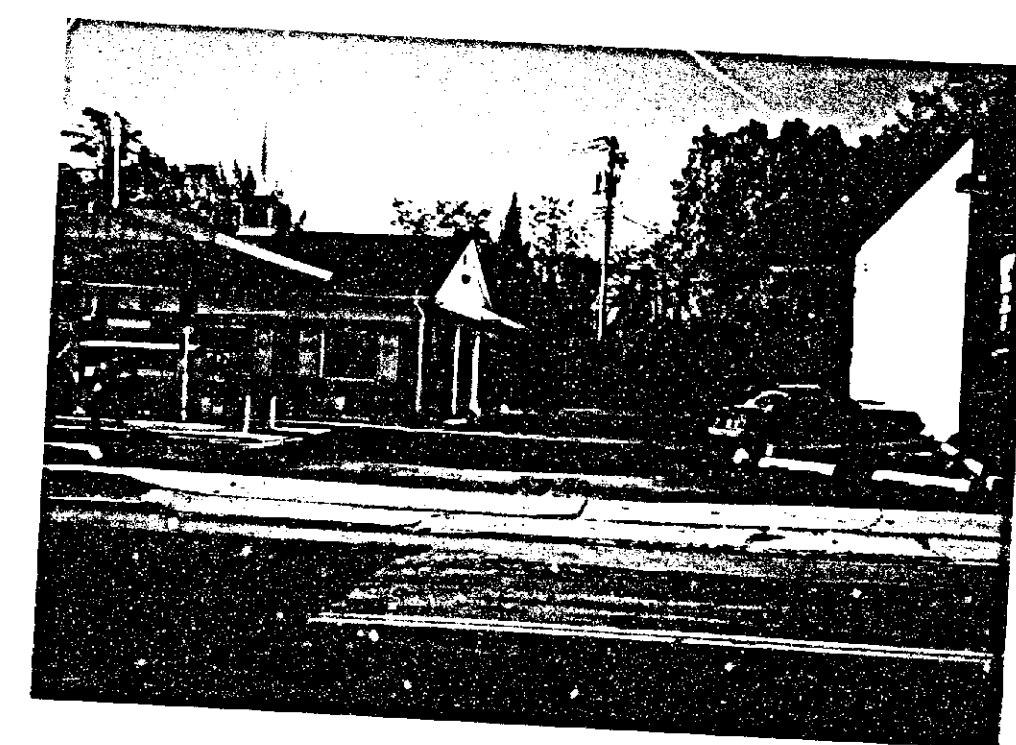
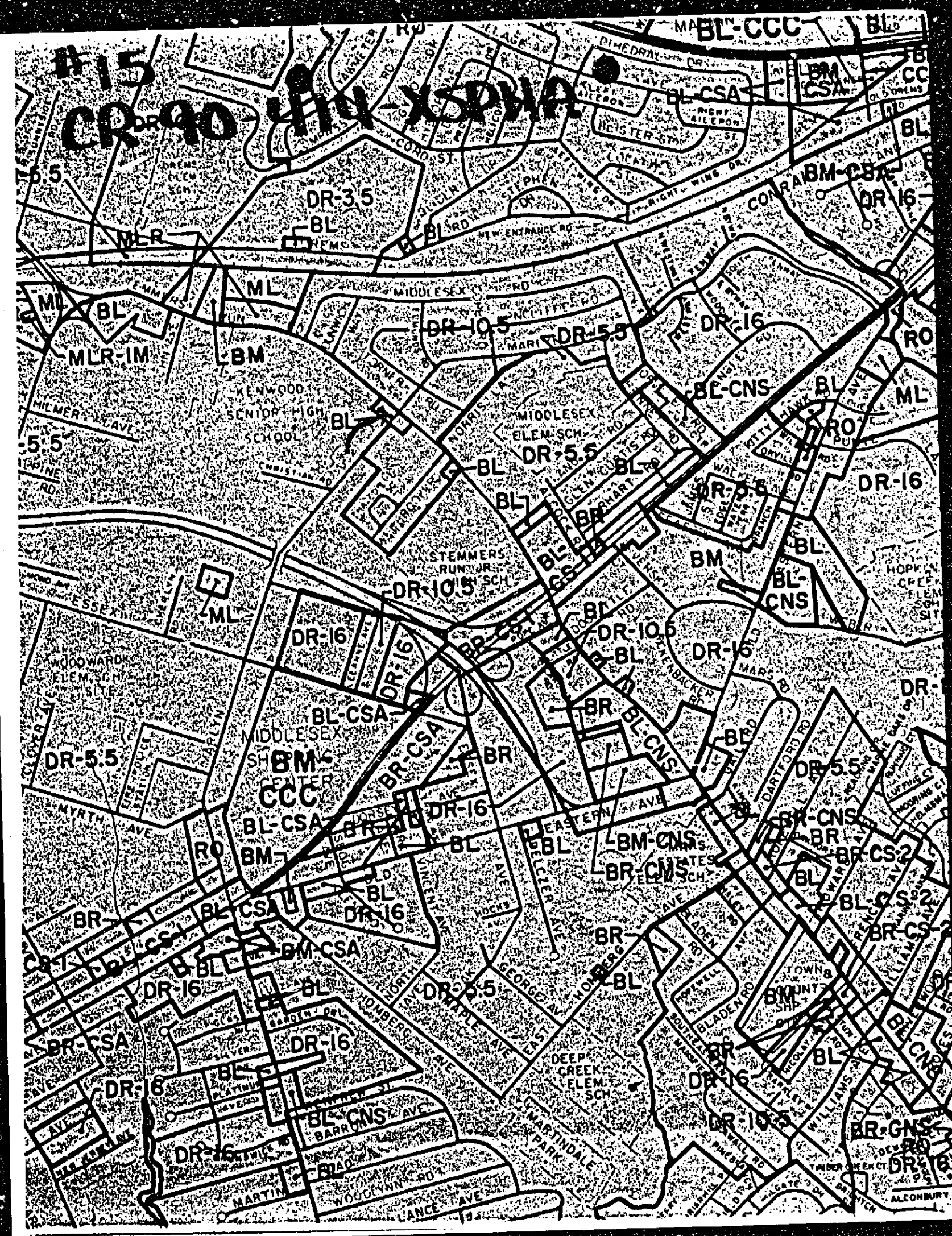
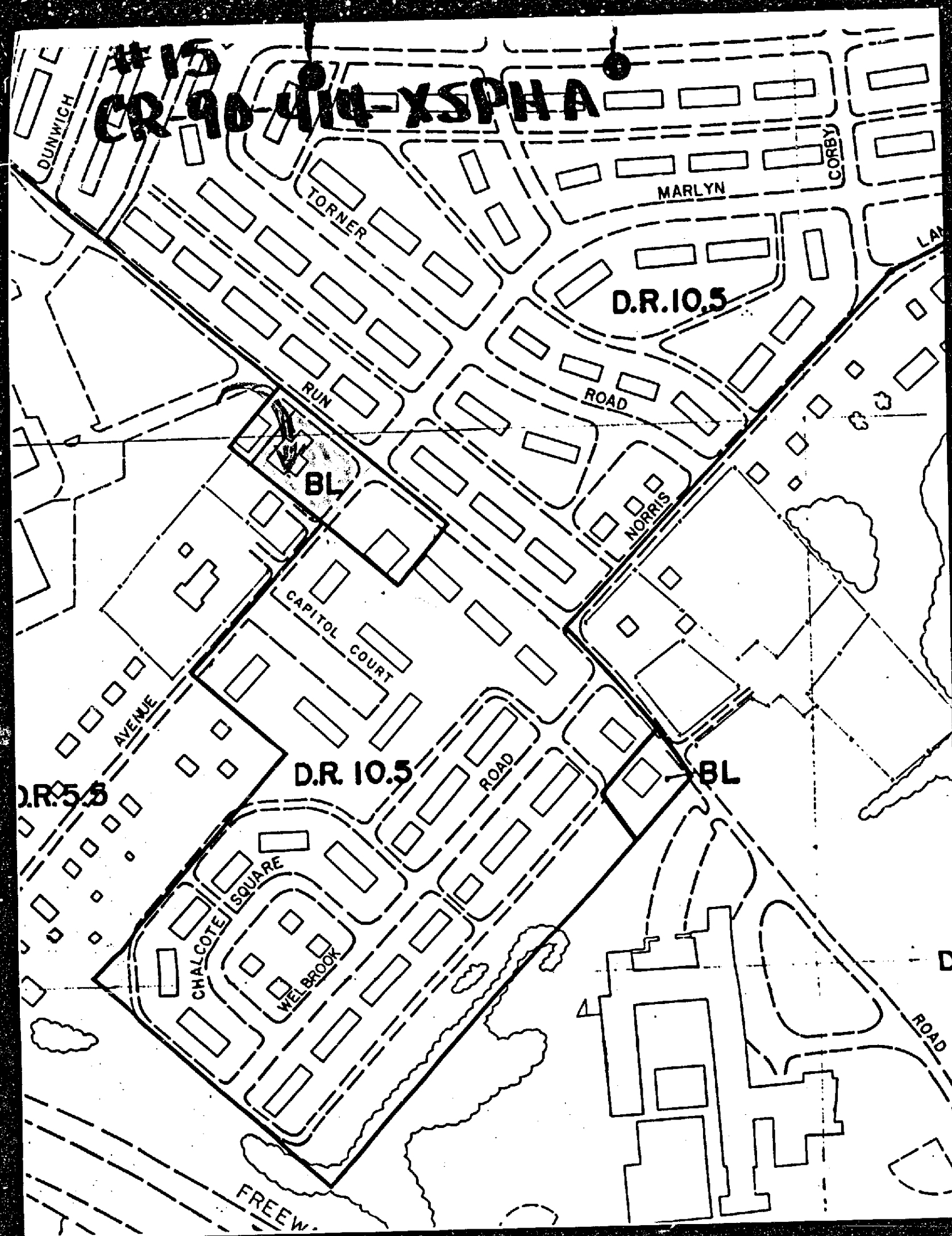
SHELL OIL COMPANY
401 Stemmers Run Road, Essex, Maryland, 15 Elec. Dist.
Environmental Impact Statement

Due to the nature of the proposed action a comprehensive study would have little to no informative value. Therefore, as provided under Article I Section 101 under the definition of Environmental Impact Statement I have prepared the following statements to cover the required topics as stated to address the Environmental Impact of Said action.

1. The proposed action is to create a district for an existing property zoned BL, currently operating as a full service gas-oil service station, changing said zoning to BL-O/S and a special exception to allow a food store in combination with a gas-n-go operation. This proposal would terminate the existing auto repair service at this site and replace it with the food store. This would be the only change to occur with no change to the existing building or site features proposed.
2. The proposed action would delete the auto repair and maintenance operation presently on site which would reduce the noise level associated with this type of operation. No changes in grades, vegetation, water courses or structures are proposed by this action. There will be no changes as a result of this action which would impact on Ecological systems.
- 3, 4, 5, & 6. No adverse environmental effects will occur as a result of this action.



360 JONES STATION ROAD, ARNOLD, MARYLAND 21012 (301) 544-2010



Shell service station
401 Stemmers Run Road
Essex, Baltimore Co. Md.
One Mile radius Map about Site
Scale: 1" = 2000'
Legend attached

CR 90-414 Retention 3
XSPHA



RICHARD L. BEALL, INC., A.I.A.
ARCHITECT AND PLANNER



AREA MAP LEGEND

1. Full service Shell service station
2. Andy's automotive service center
3. Eastern Avenue automotive repair center
4. Paul's auto service and body shop
5. J & H Tires and auto service center
6. Barry's auto repair shop
7. Full service Chevron service station
8. Firestone Tire and Auto center
9. Goodyear Tire and Auto center
10. All Tune and Lube
11. Western Auto, parts and service
12. Bay auto service center
13. Full service Exxon service station
14. Meineke muffler and auto service
15. Precision Tune
16. Lou's auto repair shop
17. Full service Amoco service station
18. Stiffler's auto service center
19. Jennings' Transmission and repair service

CR 90-414
XSPHA

CR 90-414
XSPHA

Bob Ballard	8 Mcadill Rd	21220
Rick Ford	114 banana circle	21220
Mike Gorman	375 Viny ct	21220
Erik Robinson	727 Shipstead	21220
Danika Robinson	727 Shipstead	21220
Danny Deppes	4 Right Ladder ct	21220
Charles Bevers	212 Danvers GHS Road	21220
Rick Purich III	610 B Carlsbad Road	21220
Chris Steeler	1037 Carrollwood Rd	21220
Lenny Pittigouch	151 Danwich Way	21221
Shirley Kling	335 Langley Rd	21221
Jessica Rogers	1501 Hopwell Ave.	21221
Melvin Davis	3425 Rawnwood	21213
Danise Kuzlecz	Kedwood	21221
Frederic Hunsbrow	1754 Bradley Rd.	21221
Louise Bradley	2006 Barry Rd.	21222
Herman Henry	2006 Barry Rd.	21222
Theresa Gatz	727 Northrup	21220
Jim Fox	727 Northrup	21220
David Dodd	231 Sandhill Rd	21220
Stacy Montfort	133 Glen Aris	21220
April Gubio	315 Summerside	21221
Roberta Messinger		
Jamela Hargoy	820 White rd	21220
Lucena Jones	9438 Windfern	49d 21220

29 11/7/20 Becky Rutledge 751 Knight Rd 2122
 29 11/7/90 Mary Ann JR 1416 Research Ave 2122
 29 11/7/90 Brian McC 1416 Hopewell Ave 2122
 29 11/9/91 Jennifer McGowan 1322 Dunwich Way 2122
 29 11/9/90 Chris Byrd 814 Kingshelfs Ct 2122
 29 11/9/90 Rebecca Fox 7 Bowles Quarters 2122
 29 11/9/90 Matt Jensen 644 Middlesex Road 2121
 29 11/11/90 Mark Sanger 666 Muddlow Road 2122
 29 11/19/90 Donald Pratt 636 Dunwich Way 2122
 29 11/19/90 Paul Sta 514 Therese Ave 2122
 29 11-9-90 Jason & Mary 503 Vinton Rd 2122
 29 11-9-90 Lynn Fox 722 Wendell 2122
 29 11-10-90 Linda Ayler 638 Dunwich Way 2122
 29 11-12-90 Lorraine McCreary 244 Stillwater Rd 2122
 29 11-12-90 DAVIS/IS 1528 Becklow Ave
 29 11-12-90 Helen Miller 712 Shipyard Rd
 29 11-13-90 Michele Smith 756 Maryland Rd
 29 11-13-90 Jason Zant 4000 Marshall Rd
 29 11-15-90 Scott Smith 310 Capital Ct
 29 11-27-90 Michel Jones 11901 Budg Rd

11/8/90 Louis Longoff 170 Bennett Rd. 21221
11-2/90 Karl R Wheeler 421 Taylor Ave 21221
11/12/90 Kenneth J. Maue 408 Catellwood Rd 21220
11/9/90 Ruben Simmons 833 Oak Cliff Rd 21220
11/3/90 Al Pugh 429 Torrey Rd 21220
11/8/90 Carl Pugh 263 Arroyo Rd 21221
11-8-90 Cecelia Hessel 810 N. Wackerline Ave 21221
11/8/90 George Jacobs 440 W. Maryland Ave 21221
11/8/90 Billy Kitzberg 112 Foxchase CV 21221
11/2/90 Jimmy Rutenber 1014 Foxchase CV 21221
11-9 730 Owen Ross 636 Pennsylvania Way 21221
730 Michelle Martin 431 Torrey Rd 21221
730 James D. Pugh 340 Simmons Run Rd
730 Christopher J. 350 Monmouth way 211221
730 Leona Gelping Annapolis way 21220
730 Jessica Pugh 638 Pennsylvania 21221
11-9 730 Muriel Pugh 312 N. Monmouth Avenue 21221
730 Paul J. Pugh 601 N. Stuart St 21221
11-9 730 Deb Pugh 601 N. Stuart St 21221
730 Jim Currey 114 Denomi circle 21220
730 Wade Currey 114 Denomi circle 21220
730 Karen Currey 114 Denomi circle 21220
730 April Anderson 43 Denomi circle 21220
730 Scott Hessel 43 Denomi circle 21220
730 Andrew Shla 52 Denomi Circle 21220
730 Eric J. Kerner 927 Wackerline Rd 21221

11-8-90 Carmie Hutton 820 N. Esplanade 21221
11-8-90 Rocky Sides 320 Stammers Run Rd
11-8-90 Nana K. Feiba 320 Stammers Run Rd
11-8-90 Terry's Ephraet 320 Stammers Run Rd
11-8-90 Annette Javis 318 Stammers Run Rd
11-8-90 Shirley Javis 318 Stammers Run Rd
11-8-90 Paul C. Miller 539 Weibart Rd 21221
11-8-90 Matt McBurney 117 Edmunds Way 21221
11-8-90 Lynne Armstrong 225 Onville Rd 21221
11-8-90 Samuel M. Spaulmer 566 Chalcat Sq 21221
11-8-90 Joe Macale 408 Stammers Run
11-8-90 Andy King 238 Oakcrest Ave 21234
11-8-90 Nicole Wockenhus 41 Dwyer Dr. 21220
11-8-90 Tracy Z. Bort 733 Muddway Rd 21221
11-8-90 Pat Woodguy 949 Appleciffe Rd 21221
11-8-90 Rocky Sides 958 N. Marky Ave. 21221
11-8-90 Betty Butler 829 N. Main Ave 21221
11-8-90 Lisa J. Bushan 40 Winton South 21220
11-8-90 Melwood Fult 60 Rivers Side 21221
11-8-90 John Witting Rimcliff Rd 21221
11-8-90 Dawn Bulter 60 Rivers Side 21221
11-8-90 World Fult 60 Rivers Side 21221
11-8-90 Vicki L. Bean Sea Wave 21221
11-8-90 Van Roberts 68 Rivers Side 21221
11-8-90 Joe Roberts 68 Rivers Side 21221

2-8-90	Rabine Shull	3800 W. Lehigh Rd	21221
11-8-90	Sherron Shuck	2535 Lehigh Rd	21221
11-8-90	Melissa Bachma	670 Middlesex	21221
11-8-90	Ricky Marled	944 Middlesex RD	21221
11-6-90	Anthony Plam	836 W. Main St	21221
11/6/90	Dan Latta	716 Fairwood Ave	21221
11/7/90	Mary Weaver	11474 Meadow St	21221
11/8/90	Jeffrey	1244 Longley Rd	21221
11/8/90	Carl Miller	840 W. Middlesex Rd	21221
11-8-90	Edmunds	700 E. Pine Branch Rd	21221
11/9/90	Carl Atchley	708 Middlesex Rd	21221
11-8-90	Wick Waffer	476 Stearns Run RD	21221
11-8-90	OT Mayhew	498 Elmwood Ave Rd	21221
11-8-90	R J	611-6 Lonsdale Rd	21220
11-8-90	John Smith	720 Norris	21221
11-9-90	Don Cook	901 Mendocino Rd	21221
11-8-90	Greg Penno	2116 N. Main St	21221
11-8-90	Karl Kopp	934 Barcliff Rd	21221
11-8-90	Elizabeth King		
11-5-90	Walter Lee	314 Torner Rd.	21221
11-8-90	Kevin Jones	810 Buckless Jun	21221
11-9-90	John Dugan	1500 Chilworth RD	21221
11-8-90	Sharon Campbell	430 Turner Rd	21221
11-8-90	Kelvin Mckersell	7764 Blackhead	21220
11-9-90	John W. Brockley Sr	3635 E. Lehigh Rd	21220
11-2-90	Deborah Finner	1025 Maple Ave	21221

* 11-8-90	Chris Bryson	1741 Leslie Rd	21222
11/8/90	P. J. Jans	666 Monmouth Ave	21222
11/8/90	E. Lin N. Stale	619 Dunwich Way	
11/8/90	Nancy Page	908 E. Dunwich Ave	21221
11/8/90	Joe King		
11/8/90	Bob Herrmann	628 Millbrook Rd	21221
11/8/90	Charles	547 N. Hillcrest	21221
11/8/90	A. P. P.	444 Elm Rd	21221
11/8/90	John Smith	71 Morris Lane	21221
11/8/90	Kenn Stenback	168 Oakliff Rd	21221
11/8/90	Dennis Stevens	12 Hixley Meadows Ct	21222
11/8/90	William B. B.	1027 Arnold Trf Rd	21221
11/8/90	Paula B. B.	801 Millbrook Rd	21222
11/8/90	Summer Leiford	1208 Stone Rd	21220
11/8/90	Doree B. B.	754 Arnold Trf Rd	21221
11/8/90	Jarvis B. B.	845 Millbrook Rd	21221
11/8/90	Judy B. B.	1041 Hillcrest Rd	21221
11/8/90	Ray B. B.	519 Hillcrest Rd	21221
11/8/90	Thomas B. B.	221 Oakliff Rd	21221
11/8/90	T. B. B.	1844 Hillcrest Rd	21221
11-8-90	Stanley B. B.	636 Dunwich Way	
11-8-90	Georgie B. B.	523 St. Mary's Ave	21221
11-8-90	Barry B. B.	1168 Foxwood Rd	
11-8-90	John B. B.	1168 Foxwood Ave	
11-8-90	Robert B. B.	343 Essex Ave	21221
11-8-90	Harold B. B.	25 York Rd	21221

(21) 11/7/90 Robert Reymundo 951 N. MAYA AVE. BALTIMORE MD 21220

(22) 11/7/90 MIKE WACHOLDER 602 DANWICH RD. BALI. MD 21221

(23) 11/7/90 COOKE KAREY Semmens Run Batts, Md 21220

(24) 11/7/90 Daryl Jallen 327 Torrens Rd. Baltz, Md 21220

(25) 11/7/90 Cory Better 1611 Dorland Rd. Baltz, Md 21220

(26) 11/7/90 Richard Strong 77A West Way North

(27) 11/7/90 Eddie Schuler 1504 Nicobay Way 21221

(28) 11/7/90 Zam Braun 1733 Cypress Ave 21220

(29) 11/7/90 Geo. Pitts 814 N. MAYA AVE 21220

(30) 11/7/90 Reg. Hutcheson 651 Danwich Way 21221

(31) 11/7/90 L. Dem. Varg 22 Cedar Drive Apt 21221

(32) 11/7/90 Barry D. Rittgenbach 651 Danwich Way 21221

(33) 11/7/90 Judy Phillips 321 Torrens Rd. 21221

(34) 11/7/90 Philby Brothers 14A Astoria 21221

(35) 11/7/90 Ursula Nob 373 Astoria 21221

(36) 11/7/90 Yvonne Taylor 14B Astoria 21221

(37) 11/7/90 Susan Edelkott 80677 Mayfield 21221

(38) 11/7/90 James M. Hylen Jr. 452 STEMMERS RUN RD 21221

(39) 11-7-90 BETTY HYLEN 452 STEMMERS RUN RD 21221

(40) 11-7-90 MIKE HYLEN JR 452 STEMMERS RUN RD 21221

(41) 11-7-90 Bill Blankenship 614 KIRKMAN ST PARKIN RD 21220

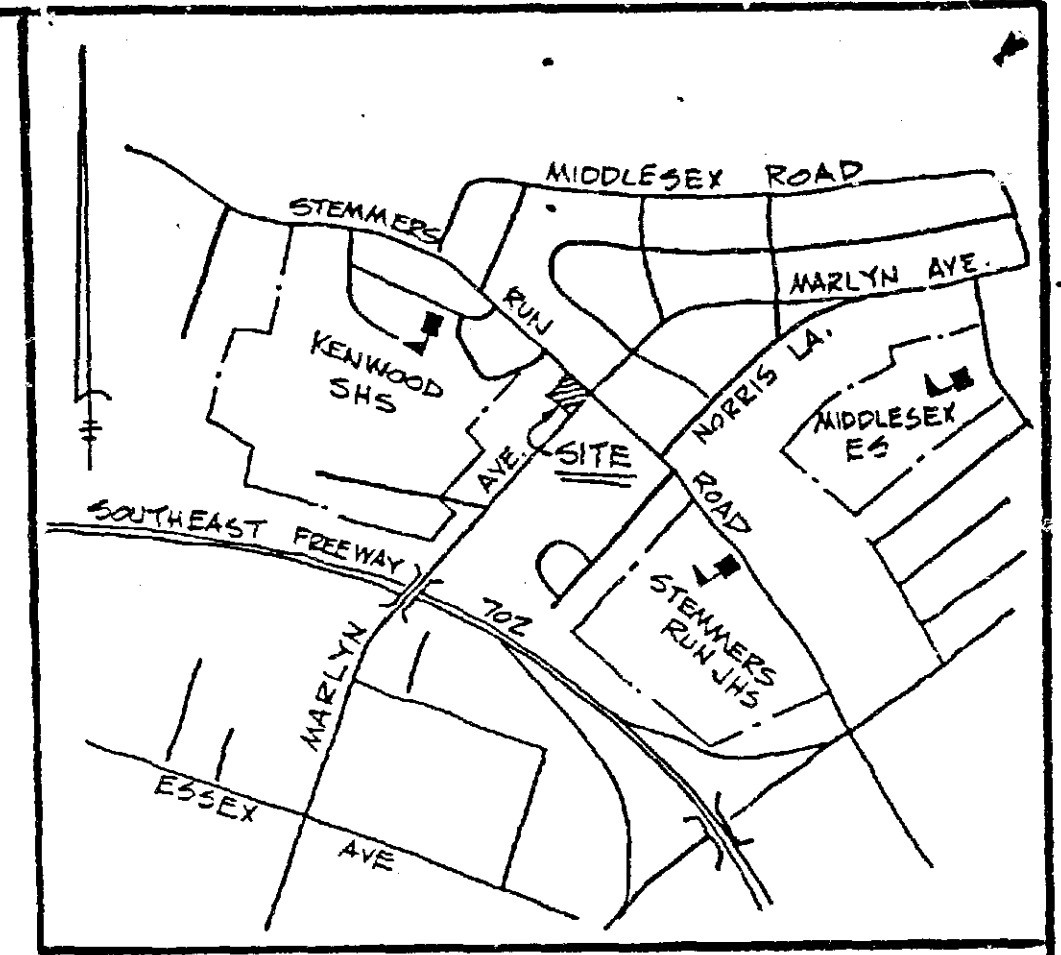
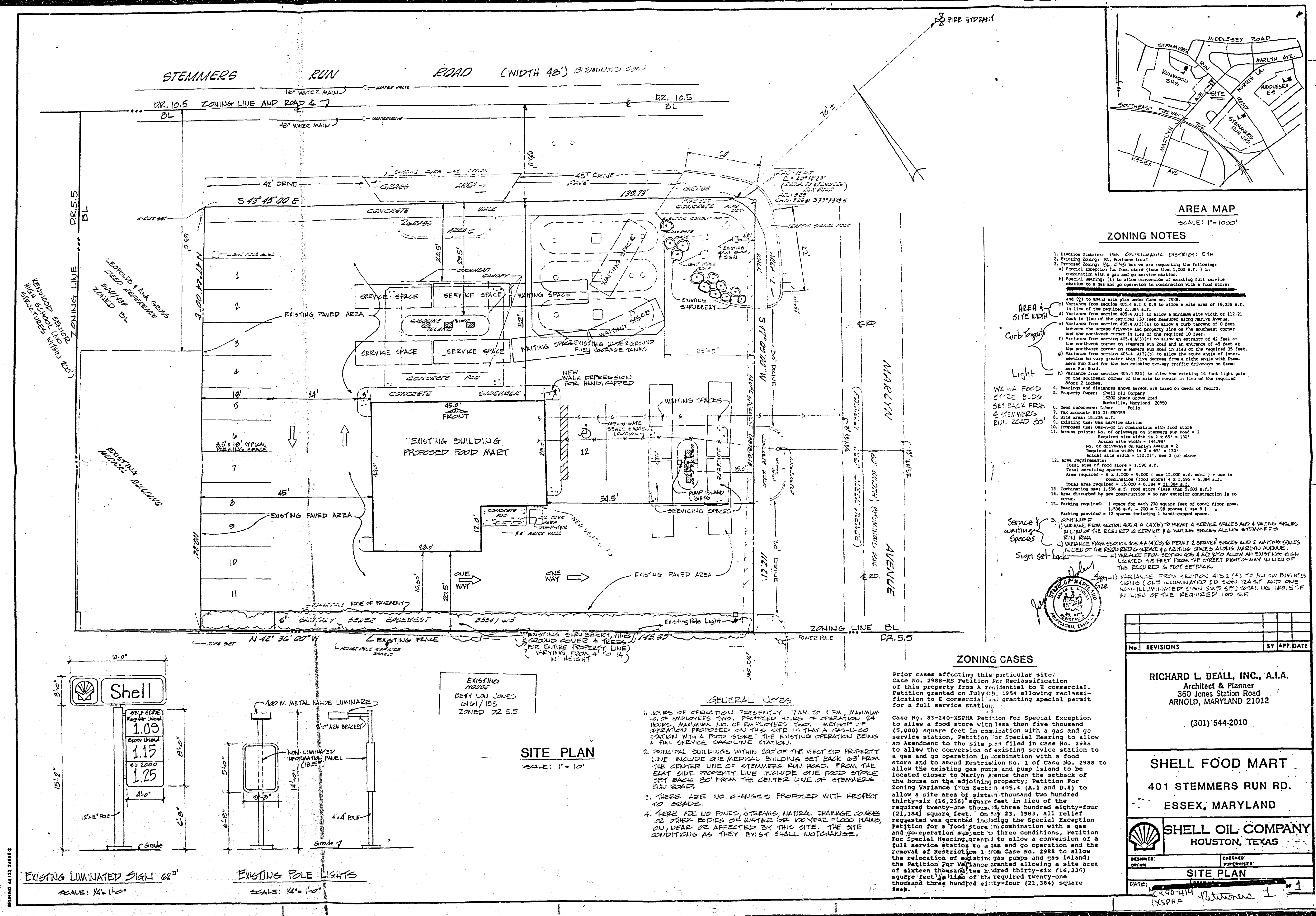
(42) 11-8-90 Michael Dobryskowski 2323 2nd Ave Ct Baltimore Md 21220

(43) 11-8-90 Robert Morris 4 Bay Ct 21220

(44) 11-8-9 Renee ALDER Kenilwood

(45) 11-8-9 Chris Sechenburg 395 Nation Ct 21220

(46) 11-8-9 MATT HYNES 397 N. Pinn Ct 21220



AREA MAP
SCALE: 1"=1000'

ZONING NOTES

- 1. Election District: 15th COUNCILMANIC DISTRICT: 5TH
- 2. Existing Zoning: BL, Business Local
- 3. Proposed Zoning: BL, Business Local
- 4. Special Exception for food store (less than 5,000 s.f.) in combination with a gas and go service station
- 5. Special Hearing: (1) to allow conversion of existing full service station to a gas and go operation in combination with a food store; and (2) to amend site plan under Case No. 2988.
- 6. Variance from section 405.4 A.1 & D.1 to allow a site area of 16,236 s.f. in lieu of the required 21,384 s.f.
- 7. Variance from section 405.4 A(1) to allow a minimum site width of 112.21 feet in lieu of the required 130 feet measured along Marlyn Avenue.
- 8. Variance from section 405.4 A(3)(a) to allow a curb tangent of 0 feet between the access driveway and property line on the southeast corner and the northwest corner in lieu of the required 10 feet.
- 9. Variance from section 405.4 A(3)(b) to allow an entrance of 42 feet at the northwest corner on Stemmers Run Road and an entrance of 45 feet at the northeast corner on Stemmers Run Road in lieu of the required 25 feet.
- 10. Variance from section 405.4 A(3)(b) to allow the acute angle of intersection to vary greater than five degrees from a right angle with Stemmers Run Road for the two existing two-way traffic driveways on Stemmers Run Road.
- 11. Variance from section 405.4 B(5) to allow the existing 14 foot light pole on the southeast corner of the site to remain in lieu of the required 8 foot 2 inches.
- 12. Bearings and distances shown hereon are based on deeds of record.
- 13. Property Owner: Shell Oil Company
15200 Shady Grove Road
Rockville, Maryland 20850
- 14. Deed reference: Liber Folio
- 15. Tax account: #15-01-890055
- 16. Site area: 16,236 s.f.
- 17. Existing use: Gas service station
- 18. Proposed use: Gas-n-go in combination with food store
- 19. Access points: No. of driveways on Stemmers Run Road = 2
Required site width is 2 x 65' = 130'
Actual site width = 144.99'
- 20. No. of driveways on Marlyn Avenue = 2
Required site width is 2 x 65' = 130'
Actual site width = 112.21', see 3 (d) above
- 21. Area requirements:
Total area of food store = 1,596 s.f.
Total servicing spaces = 6
Area required = 6 x 1,500 = 9,000 (use 15,000 s.f. min.) + use in combination (food store) 4 x 1,596 = 6,384 s.f.
Total area required = 15,000 + 6,384 = 21,384 s.f.
- 22. Combination use: 1,596 s.f. food store (less than 5,000 s.f.)
- 23. Area disturbed by new construction = no new exterior construction is to occur.
- 24. Parking required: 1 space for each 200 square feet of total floor area.
1,596 s.f. / 200 = 7.98 spaces (use 8)
Parking provided = 12 spaces including 1 handi-capped space.
- 25. CONTINUED
- 26. VARIANCE FROM SECTION 405.4 A (4)(b) TO PERMIT 4 SERVICE SPACES AND 4 WAITING SPACES IN LIEU OF THE REQUIRED 6 SERVICE & 6 WAITING SPACES ALONG STEMMERS RUN RD.
- 27. VARIANCE FROM SECTION 405.4 A (4)(b) TO PERMIT 2 SERVICE SPACES AND 2 WAITING SPACES IN LIEU OF THE REQUIRED 6 SERVICE & 6 WAITING SPACES ALONG MARLYN AVENUE.
- 28. VARIANCE FROM SECTION 405.4 A (4)(b) TO ALLOW AN EXISTING SIGN LOCATED 4.5 FEET FROM THE STREET RIGHT-OF-WAY IN LIEU OF THE REQUIRED 6 FOOT SETBACK.
- 29. VARIANCE FROM SECTION 412.2 (4) TO ALLOW BUSINESS SIGNS (ONE ILLUMINATED 10' SIGN 124 S.F. AND ONE NON-ILLUMINATED SIGN 34.5 S.F.) TOTALING 160.5 S.F. IN LIEU OF THE REQUIRED 100 S.F.

ZONING CASES

Prior cases affecting this particular site:
Case No. 2988-RS Petition For Reclassification of this property from A residential to E commercial. Petition granted on July 25, 1954 allowing reclassification to E commercial and granting special permit for a full service station.

Case No. 83-240-XSPHA Petition For Special Exception to allow a food store with less than five thousand (5,000) square feet in combination with a gas and go service station. Petition for Special Hearing to allow an amendment to the site plan filed in Case No. 2988 to allow the conversion of existing service station to a gas and go operation in combination with a food store and to amend Restriction No. 1 of Case No. 2988 to allow the existing gas pumps and pump island to be located closer to Marlyn Avenue than the setback of the house on the adjoining property; Petition For Zoning Variance from Section 405.4 (A.1 and D.8) to allow a site area of sixteen thousand two hundred thirty-six (16,236) square feet in lieu of the required twenty-one thousand three hundred eighty-four (21,384) square feet. On May 23, 1983, all relief requested was granted including the Special Exception Petition for a food store in combination with a gas and go operation subject to three conditions, Petition for Special Hearing granted to allow a conversion of a full service station to a gas and go operation and the removal of Restriction 1 from Case No. 2988 to allow the relocation of existing gas pumps and gas island; the Petition for Variance granted allowing a site area of sixteen thousand two hundred thirty-six (16,236) square feet in lieu of the required twenty-one thousand three hundred eighty-four (21,384) square feet.

GENERAL NOTES

- 1. HOURS OF OPERATION PRESENTLY 7AM TO 11 PM, MAXIMUM NO. OF EMPLOYEES TWO, PROPOSED HOURS OF OPERATION 24 HOURS, MAXIMUM NO. OF EMPLOYEES TWO, METHOD OF OPERATION PROPOSED ON THIS SITE IS THAT A GAS-N-GO STATION WITH A FOOD STORE, THE EXISTING OPERATION BEING A FULL SERVICE GASOLINE STATION.
- 2. PRINCIPAL BUILDINGS WITHIN 200' OF THE WEST SID PROPERTY LINE INCLUDE ONE MEDICAL BUILDING SET BACK 65' FROM THE CENTER LINE OF STEMMERS RUN ROAD. FROM THE EAST SIDE PROPERTY LINE INCLUDE ONE FOOD STORE SET BACK 20' FROM THE CENTER LINE OF STEMMERS RUN ROAD.
- 3. THERE ARE NO CHANGES PROPOSED WITH RESPECT TO GRADE.
- 4. THERE ARE NO PONDS, STREAMS, NATURAL DRAINAGE COURSES OR OTHER BODIES OF WATER OR 100 YEAR FLOOD PLAINS, ON, NEAR OR AFFECTED BY THIS SITE. THE SITE CONDITIONS AS THEY EXIST SHALL NOT CHANGE.

SITE PLAN
SCALE: 1"=10'

EXISTING HOUSE
BETTY LOU JONES
6161/153
ZONED D2 S.5

RICHARD L. BEALL, INC., A.I.A.
Architect & Planner
360 Jones Station Road
ARNOLD, MARYLAND 21012

(301) 544-2010

SHELL FOOD MART
401 STEMMERS RUN RD.
ESSEX, MARYLAND

SHELL OIL COMPANY
HOUSTON, TEXAS

DESIGNED: [Signature]
CHECKED: [Signature]
DATE: 09-20-84
XSPHA
Petitioners 1

SITE PLAN

DATE: 09-20-84
XSPHA
Petitioners 1